



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/524,698	03/14/2000	Alan Tonisson	169.1640	8878
5514	7590	11/22/2002		
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER	
		AMINI, JAVID A		
ART UNIT	PAPER NUMBER			
2672	6			
DATE MAILED: 11/22/2002				

Please find below and/or attached an Office communication concerning this application or proceeding.

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-33, 37, 43-68 and 123-125 drawn to a method of creating an image, classified in class 345, subclass 629.
 - II. Claims 34-36, drawn to a method of optimizing an expression, classified in class 700, subclass 173, and 38-42 drawn to a method of calculation, classified in class 700.
 - III. Claims 69-122 and 126-128 drawn to an apparatus/ or a computer readable medium, classified in class 700, subclass 262.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I, II and III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because for creating an image does not require to have a method of optimizing expression and an apparatus or a computer readable medium. The subcombination has separate utility such as optimizing expression and apparatus or computer with readable medium.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Art Unit: 2672

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the intentorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A Amini whose telephone number is 703-605-4248. The examiner can normally be reached on 8-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 703-305-4713. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-8705 for regular communications and 703-746-8705 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

Javid Amini
November 21, 2002